IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT APPEAL No.1823 OF 2005

Between:

Lekkala Venkata Lakshumma, and others

..... APPELLANTS

AND

The Mandal Revenue Officer,

B.Mattam Mandal, Kadapa District.

.....RESPONDENT

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

M.VENKATESWARA REDDY

WRIT APPEAL No.1823 OF 2005

O R D E R

(Per Sri Justice J.Chelameswar)

This appeal is filed by the unsuccessful petitioners in W.P.No.20132 of 2005, dated 13.09.2005**,** wherein the learned single Judge dismissed the writ petition substantially on the ground that an alternative remedy of appeal is available to the petitioners.

Briefly the facts of the case are that the appellants were initially granted DKT Pattas subject to the condition that each one of the appellants should bring the assigned land into cultivation within three years from the date of such assignment. Alleging that there was a failure to comply with the above-mentioned condition, the assignments made in favour of each of the appellants herein were cancelled by various proceedings of the sole respondent dated 09.09.2005.

Learned counsel for the appellants Sri L.J.Veera Reddy argued that though each of the appellants had submitted an explanation pursuant to the show-cause notice issued by the respondent, none of the explanations was considered and all the impugned proceedings are proforma orders, which contain a recital that the assignees (appellants herein) did not offer any explanation within the time stipulated. On the other hand, the references made in each one of the impugned proceedings indicate that an explanation was received by the respondent on 09.09.2005.

Heard the learned Government Pleader for Revenue.

In the circumstances, we are of the opinion that there is a total non-application of mind on the part of the respondents thereby vitiating the impugned proceedings passed against each one of the appellants.

The Writ Appeal is therefore allowed setting aside the order passed by the learned single Judge in W.P.No.20132 of 2005, dated 13.09.2005 as also the proceedings of the respondent cancelling the assignments made in favour of each of the appellants herein.

However, it is open to the respondents to initiate action against the appellants, in

accordance with law, if they are satisfied, on the basis of the record that assignments made in favour of each of the appellants deserve to be cancelled.

JUSTICE J.CHELAMESWAR

JUSTICE M.VENKATESWARA REDDY

28th SEPTEMBER, 2005

PGS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

M.VENKATESWARA REDDY

WRIT APPEAL No.1823 OF 2005

(Per Sri Justice J.Chelameswar)

28th SEPTEMBER, 2005